

### **REMARKS**

This is an amendment and remarks filed in response to the non-final office action dated April 17, 2007. The Examiner had rejected claims 49, 67, and 92 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 49-50, 54-59, 61, 64, 66-72, 77-83, 85, 88, and 90-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Pat. No. 6,401,075 ("Mason") in view of U.S. Pat. Pub. No. 2002/0073034 ("Wagner"). Claims 52, 53, and 74-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of U.S. Pat. No. 6,167,382 ("Sparks"). Claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of Official Notice. The rejections from the Office Action of April 17, 2007 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

#### **I. REJECTIONS UNDER 35 U.S.C. § 112**

The Examiner has rejected claims 49, 67, and 92 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner has rejected claims 49, 67, and 92 for lack of support in the specification because of the terms "modifying the which of the plurality of advertisements is the **designated** advertisement," and "reviewing the **designated** advertisement" (emphasis added by the Examiner). Office Action of 4/17/07, p. 2, ¶4.

Although Applicants believe that the claim term designate is supported by the specification, claims 49, 67 and 92 have been amended to obviate any confusion. In particular, the term designate has been replaced by the term select in the claims to reflect the language used in the specification. In particular, the specification states "In FIG. 3B, the advertiser selects which ads will run in this campaign." Original Specification, ¶45; FIG. 3B. The selection of advertisement(s) is further described when "the advertiser checks the boxes on the lefthand side to indicate which ads will be used in this campaign." *Id.*

**II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 49-50, 54-59, 61, 64, 66-72, 77-83, 85, 88, and 90-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Mason in view of Wagner. Mason relates to “obtaining Internet-type advertisements to fit designated advertising spaces allotted by a plurality of different and unrelated online newspaper websites, and automatically placing those advertisements.” Mason, Abstract. Wagner relates to distribution of classified advertisements on multiple devices. Wagner, Abstract.

Claims 49, 67 and 92 have been amended to include providing an interface configured to allow, during the advertisement campaign, adjusting the maximum amount to spend, changing the status of the advertisement campaign, and modifying which of the plurality of advertisements is the selected advertisement.” The support for this amendment is at least present in Figures 4A-4F which disclose the management of the advertisement campaign. For example, in FIG. 4A, the budget may be edited as labeled by 414. Original Specification, FIG. 4A. In addition, ¶47 of the original specification states “[t]he advertiser can also edit any of the following: the campaign budget 414, the run dates 415 of the campaign, and which ads 416 are used in the campaign.” *Id.* at ¶47, FIGS. 4A-4F. Further, “the advertiser can make these edits at any time via the self-service platform [and, if] the architecture is real-time or near real-time, then these edits will result in updates to the ad orders in real-time or near real-time.” *Id.* at ¶47.

The combination of Mason-Wagner fails to disclose or render obvious all of the elements of independent claims 49, 67 and 92. In particular, the Mason-Wagner combination fails to disclose an interface configured to allow for adjusting the maximum amount to spend as in claims 49, 67 and 92. The Examiner acknowledges that Mason does not teach “an interface configured to allow for adjusting the maximum amount to spend.” Office Action of 04/17/07, p. 4. Wagner discloses the purchasing of multiple classified advertisements. Wagner, ¶38. In Wagner, based on the purchase of the advertisements, a total price (326) is computed by “adding the price for running the classified advertisement for providing access to PC and mobile phones multiplied by the number of days for the classified advertisement to run.” *Id.* at ¶38, FIG. 3. The total price in Wagner is the total price of advertisements that are purchased. *Id.* The total price is a payment for advertisements that are purchased. *Id.* at ¶27-28, 38-39. The purchase of additional advertisements results in a new total price reflecting the additional advertisements for

purchase. *Id.* at ¶38. Accordingly, the combination of Mason-Wagner fails to disclose adjusting the maximum amount to spend as in claims 49, 67 and 92.

Further, the Mason-Wagner combination fails to disclose or render obvious an interface configured to allow for adjusting the maximum amount to spend *during an advertisement campaign* as in claims 49, 67 and 92 (emphasis added). As discussed above, the Examiner acknowledges that Mason does not teach “an interface configured to allow for adjusting the maximum amount to spend.” Office Action of 04/17/07, p. 4. Wagner teaches purchasing multiple advertisements for a total price. Wagner, ¶38. As shown in FIG. 3 of Wagner, multiple advertisements may be purchased with the order entry form 300, with the total price of the advertisements to be displayed shown at 326. Wagner, FIG. 3. There is no disclosure in Wagner that once the advertisements are displayed, there may be an adjustment for the maximum amount to spend on the advertisement campaign as in the claims. As discussed above, the total price in Wagner is different from the maximum amount to spend in the claims. Even if the total price is assumed to be equivalent to the maximum amount to spend, there is no disclosure that the amount may be adjusted *during the advertisement campaign* as in claims 49, 67 and 92. Rather, Wagner discloses a total price paid before the advertisements are displayed. Wagner, ¶27-28. In fact, the total price is required before the advertisement campaign even begins. *Id.* at ¶38-39.

In addition, claim 67 discloses that “the displaying is terminated when the maximum amount to spend is met unless the maximum amount to spend is increased.” Mason-Wagner fails to disclose that displaying is terminated unless the maximum amount to spend is increased. As discussed above, Mason fails to disclose adjusting a maximum amount to be spent on an advertisement campaign. Wagner discloses a total price that reflects the total amount spent on multiple advertisements. Wagner, ¶38, FIG. 3. The number and type of advertisements that are purchased determine the total price in Wagner. *Id.* Wagner fails to disclose that displaying is terminated unless the maximum amount to spend is increased as in claim 67.

For the reasons described above, Applicants submit that independent claims 49, 67 and 92, as amended, are allowable. Likewise, claims dependent from allowable claims 49, 67 and 92 are also allowable. Specifically, dependent claims 50, 54-59, 61, 64, 66, 68-72, 77-83, 85, 88, 90, 91, and 93 were rejected under 35 U.S.C. § 103(b) as being obvious over Mason in view of

Wagner. For the reasons discussed above, Applicants submit that dependent claims 50, 54-59, 61, 64, 66, 68-72, 77-83, 85, 88, 90, 91, and 93 are allowable.

Claims 52, 53, and 74-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of Sparks. Sparks relates to the design and production of print advertising and commercial display materials over the Internet. Sparks, Abstract. Sparks fails to disclose an interface configured to allow for adjusting the maximum amount to spend during an advertisement campaign as in independent claims 49 and 67. Therefore, dependent claims 53, 75 and 76 should be allowed for the reasons discussed above.

Claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mason in view of Official Notice. The Official Notice relates to the display of advertisements on a wireless devices, the advertisement placement, advertisement costs per click, advertisement costs per impression, etc. There is no Official Notice of an interface configured to allow for adjusting the maximum amount to spend during an advertisement campaign as in independent claims 49, 67 and 92. Therefore, dependent claims 51, 60, 62-63, 65, 73, 84, 86-87, 89, and 94 should be allowed for the reasons discussed above.

**III. CONCLUSION**

Each of the rejections from the Office Action dated April 17, 2007 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

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Date

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